

CRAWFORD COUNTY MUNICIPAL COURT  
CRAWFORD COUNTY, OHIO

**KEVIN W. PHILLIPS**  
360 N Wiley St  
Crestline, OH 44827

Plaintiff,

v.

**MIDLAND FUNDING LLC**  
Csc-Lawyers Incorporating Service  
(Corporation Service Company)  
50 W. Broad St., Ste. 1800  
Columbus, OH 43215,

Defendant.

) Case No.: **CNF 1201188**

) JUDGE:

) Magistrate:

) **FILED**

OCT 14 2010

CRAWFORD COUNTY MUNICIPAL COURT  
BUCYRUS, OHIO

\* \* \*

**I. Parties**

1. Plaintiff Kevin W. Phillips ("Mr. Phillips") is a natural person residing in Crawford County, Ohio.
2. Defendant Midland Funding LLC ("Midland") is a limited liability company organized under the laws of the State of Delaware. At all times relevant, Midland used the name "Midland Funding DE LLC".
3. Midland regularly sends mail to Ohio residents to attempt to collect debts.
4. Midland regularly utilizes Ohio courts to attempt to collect debts.
5. Midland regularly attempts to collect debts which Midland acquires or claims it acquires after default.
6. At all times relevant to this case, Midland was a "debt collector" as defined by the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692a(6).

## **II. Factual Allegations**

7. In September of 2005, Mr. Phillips signed a revolving loan agreement with Beneficial Ohio Inc. Mr. Phillips was not able to keep up with certain payments on the loan (the "Alleged Debt").
8. The Alleged Debt was incurred for Mr. Phillips's personal, family and household use.
9. On October 15, 2009, Midland filed a civil law suit against Mr. Phillips to collect the Alleged Debt in the Crawford County Municipal Court in Crawford County, Ohio, assigned case number CVF 09-1263 (the "Collection Suit").
10. Midland claimed in the Collection Suit that Midland was an assignee of the creditor for the Alleged Debt.
11. In the Collection Suit, Midland claimed that it was "entitled to recover the amount owed by" Mr. Phillips on the Alleged Debt.
12. In the Collection Suit, Midland claimed that Mr. Phillips owed Midland \$8,795.76.
13. Upon information and belief, at the time Midland filed the Collection Suit, Midland was not an assignee of the creditor for the Alleged Debt.
14. Upon information and belief, at the time Midland filed the Collection Suit, Midland was not "entitled to recover the amount owed by" Mr. Phillips on the Alleged Debt.
15. Upon information and belief, at the time Midland filed the Collection Suit, Mr. Phillips did not owe Midland \$8,795.76.
16. Mr. Phillips hired legal counsel to defend him in the Collection Suit.
17. After Mr. Phillips's attorneys responded to the Collection Suit complaint, and demanded discovery from Midland, Midland dismissed the Collection Suit.

18. As a result of Midland's actions, Mr. Phillips has suffered actual damages, including but not limited to, legal expenses for defending against the Collection Suit, stress, frustration, and aggravation.

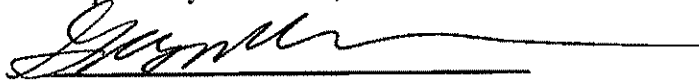
**III. Violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692**

19. Plaintiff incorporates by reference all of the above allegations.
20. The actions of Midland were deceptive, unfair, and unconscionable.
21. As a result of the above violations of the FDCPA, Mr. Phillips suffered actual damages.

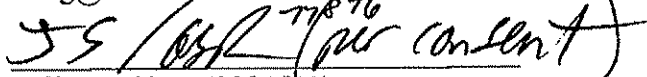
**WHEREFORE**, Plaintiff respectfully requests that judgment be entered against Midland for the following:

- A. Actual damages as determined by the trier of fact.
- B. Statutory damages of \$1,000.00 pursuant to 15 U.S.C. § 1692k.
- C. Court costs and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k.
- D. For such other and further relief as may be just and proper.

Respectfully submitted,



Gregory S. Reichenbach (0077876)  
P.O. Box 256  
Bluffton, OH 45817  
(419) 529-8300  
FAX: (419) 529-8310  
Greg@ReichenbachLaw.com



Jeffrey Stiffler (0084723)  
David C. Badnell CO LPA  
21 N Walnut St  
Mansfield, OH 44902  
(419) 525-0800  
FAX: (419) 525-0804  
Email: [jrs@davidbadnell.com](mailto:jrs@davidbadnell.com)

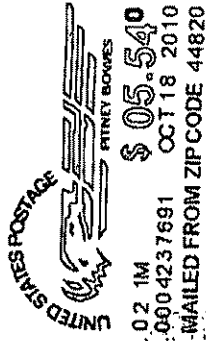
Attorneys for Plaintiff

Crawford County Municipal Court  
112 East Mansfield Street  
P O Box 550  
Bucyrus, OH 44820

**CEMIFIED MAIL**



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MIDLAND FUNDING LLC  
CORPORATION SERVICE COMPANY  
50 W BROAD ST STE 1800  
COLUMBUS OH 43215

4321535910 C004

